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Separate paging is given to this Part in order that it may be filed
as a separate compilation

LOK SABHA

The following Bill was introduced in Lok Sabha on 8th July, 1992:—

BILL No. 102 OF 1992

A Bill to confer on the President the power of the Legislature of the State of Jammu and Kashmir to make laws.

Be it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

1. This Act may be called the Jammu and Kashmir State Legislature (Delegation of Powers) Act, 1992. Short title.

2. In this Act, "Proclamation" means the Proclamation issued on the 18th day of July, 1990, under article 356 of the Constitution, by the President, and published with the notification of the Government of India in the Ministry of Home Affairs No. G.S.R. 647(E) of the said date. Definition.

3. (1) The power of the Legislature of the State of Jammu and Kashmir to make laws, which has been declared by the Proclamation to be exercisable by or under the authority of Parliament, is hereby conferred on the President. Conferment on the President of the power of the state Legislature to make laws.

(2) In exercise of the said power, the President may, from time to time, whether Parliament is or is not in session, enact, as a President's Act, a Bill containing such provisions as he considers necessary;

(1)

Provided that before enacting any such Act, the President shall whenever he considers it practicable to do so, consult a Committee constituted for the purpose, consisting of ten members of the House of the People nominated by the Speaker and five members of the Council of States nominated by the Chairman.

(3) Every Act enacted by the President under sub-section (2) shall, as soon as may be after enactment, be laid before each House of Parliament.

(4) Either House of Parliament may, by resolution passed within thirty days from the date on which the Act has been laid before it under sub-section (3), which period may be comprised in one session or in two successive sessions, direct any modifications to be made in the Act and if the modifications are agreed to by the other House of Parliament during the session in which the Act has been so laid before it or the session succeeding, such modifications shall be given effect to by the President by enacting an amending Act, under sub-section (2):

Provided that nothing in this sub-section shall affect the validity of the Act or of any action taken thereunder before it is so amended.

STATEMENT OF OBJECTS AND REASONS

Under the Proclamation issued by the President on the 18th July, 1990, the powers of the Legislature of the State of Jammu and Kashmir are now exercisable by or under the authority of Parliament. There are a number of amendments to various State enactments made during the Governor's Rule of the State whose validity is due to expire in July, 1992. Because of the large number of such enactments involved it may not be possible for Parliament to find sufficient time to enact the same. It is, therefore, proposed that Parliament may, in accordance with the provisions of sub-clause (a) of clause (1) of article 357 of the Constitution, confer by law on the President the powers of the Legislature of the State of Jammu and Kashmir to make laws for the State. The present Bill is intended to give effect to this proposal.

2. The Bill seeks to achieve the aforesaid object.

NEW DELHI;
The 5th July, 1992.

S. B. CHAVAN.

FINANCIAL MEMORANDUM

The proviso to sub-clause (2) of clause 3 of the Bill provides for the constitution of a Committee for consultation regarding President's Acts, consisting of 10 Members of the House of the People and 5 Members of the Council of States. Expenses to be incurred in connection with the meetings of the Consultative Committee would be met from the Consolidated Fund of India. This Committee will meet as and when necessary. The expenditure is not expected to be large and is not likely to exceed Rs. 1.50 lakhs during the period the Proclamation remains in force. The Bill, if enacted, will not involve any non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The powers of the Legislature of the State of Jammu and Kashmir to make laws, which has been declared by the Proclamation issued under article 356 of the Constitution in respect of that State on the 18th July, 1990, to be exercisable by or under the authority of Parliament, is sought to be conferred on the President under article 357(1) (a) of the Constitution as applicable to the State of Jammu and Kashmir. Before exercising the aforesaid power, the President is required, whenever he considers it practicable to do so, to consult a Committee of members of Parliament constituted for the purpose in accordance with the provisions of the proviso to sub-clause (2) of clause 3. Any Act enacted by the President in exercise of the aforesaid power is required to be laid before each House of Parliament and Parliament may direct modifications to be made in that Act. The delegation of legislative power is in pursuance of the express provision in this behalf in article 357(1)(a) of the Constitution and is necessary as it will not be easy for Parliament to find time to deal with the various legislative measures that may be required in respect of the State of Jammu and Kashmir. Under the circumstances arising out of the issue of the Proclamation under article 356 of the Constitution, this delegation of legislative power is limited to the period when the aforesaid Proclamation dated the 18th July, 1990, will continue to be in force. To the extent that it has been usual for Parliament to confer on the President such legislative powers, the delegation is of a normal character.

C. K. JAIN,
Secretary-General.

